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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIADANIEL MEIER, et al.,
Plaintiffs,
v.
MICHAEL W. BOZORA, et al.,
Defendants.

Case No. 11-cv-06609-WHO

**ORDER TO SHOW CAUSE WHY DEFAULT
SHOULD NOT BE SET ASIDE AND
WHY THIS CASE SHOULD NOT BE
DISMISSED**

This order arises from plaintiffs' extended, unsuccessful efforts to serve the primary defendant in this case, Michael W. Bozora. On June 3, 2014, I issued an order requiring plaintiffs to show good cause why the case should not be dismissed for failure to serve Bozora. Dkt. No. 45. Plaintiffs submitted a response stating they had retained a private investigator for the specific purpose of locating Bozora and serving him. Dkt. No. 49. I gave plaintiffs until September 26, 2014 to confirm that service had been accomplished. Dkt. No. 50.

On that date, plaintiffs' counsel submitted a declaration stating that Bozora had been served by personal service at his home in the Lake Tahoe area. Dkt. No. 51. The proof of service attached to the declaration states that plaintiffs' complaint, along with a summons and civil cover sheet, were personally served on Bozora at his home at the following address: 3025 Argonaut Ave., South Lake Tahoe, CA 96150. Dkt. No. 51-1. On December 4, 2014, on motion by plaintiffs, the Clerk of the Court entered default against Bozora. Dkt. No. 54.

On December 8, 2014, a letter dated December 5, 2014 and signed by Cristi Creegan was filed with the Court. Dkt. No. 55. The letter's return address is 3025 Argonaut Ave., South Lake Tahoe, CA 96150, the same address where Bozora was purportedly served. Attached to the letter is what appears to be a copy of plaintiffs' complaint accompanied by a summons and civil cover sheet. The letter states:

United States District Court
Northern District of California

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This document was placed in the mailbox at my home on Friday, September 26, 2014. I found it beneath my mail when I emptied the box after returning home from picking my daughters up at schools. None of the people named in this documents lives at this address. There was no note attached to this document nor was it in an envelope. As such, I am returning it to the court.

The timing of the letter – one day after default was entered against Bozora – is suspicious, in particular given Creegan’s statement that she had been in possession of the returned document since September 26, 2014. Nevertheless, the letter raises the question of whether Bozora has, in fact, been properly served. Accordingly, by **January 6, 2015**, plaintiffs must file a memorandum with supporting evidence showing good cause why the default against Bozora should not be set aside, and why this case should not be dismissed. A hearing regarding this matter is set for **January 13, 2015** at 3:00 p.m. I will dismiss this case without prejudice on that date unless plaintiffs are able to show good cause.

IT IS SO ORDERED.

Dated: December 12, 2014



WILLIAM H. ORRICK
United States District Judge